

900 KAR 6:060. Timetable for submission of certificate of need applications.

RELATES TO: KRS 216B.015, 216B.040, 216B.062, 216B.095(3)(a)-(f)

STATUTORY AUTHORITY: KRS 194A.030(1)(c)4., 216B.040(2)(a)1, 216B.062(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040(2)(a)1 requires the Cabinet for Health and Family Services to administer Kentucky's Certificate of Need Program and to promulgate administrative regulations as necessary for the program. KRS 216B.062(1) and (2) require the cabinet to promulgate administrative regulations to establish timetables and batching groups for applications for certificates of need. This administrative regulation establishes the timetable for submission of application requirements necessary for the orderly administration of the Certificate of Need Program.

Section 1. Definitions. (1) "Cabinet" is defined by KRS 216B.015(6).

(2) "Certificate of Need Newsletter" means the monthly newsletter that is published by the cabinet regarding certificate of need matters and is available on the Office of Inspector General, Division of Certificate of Need Web site at <https://chfs.ky.gov/agencies/os/oig/dcn>.

(3) "Formal review" means the review of an application for certificate of need that is reviewed within ninety (90) days from the commencement of the review as provided by KRS 216B.062(1) and that is reviewed for compliance with the review criteria set forth at KRS 216B.040 and 900 KAR 6:070.

(4) "Long-term care beds" means nursing home beds, intermediate care beds, nursing facility beds, and Alzheimer nursing home beds.

(5) "Nonsubstantive review" is defined by KRS 216B.015(18).

Section 2. Timetable for Submission of an Application for Formal Review. (1) The cabinet's timetable for giving public notice for an application deemed complete for formal review shall be as established in this subsection.

(a) Public notice for an application for organ transplantation, magnetic resonance imaging, megavoltage radiation equipment, cardiac catheterization, open heart surgery, positron emission tomography equipment, a Level I psychiatric residential treatment facility (Level 1 PRTF), a Level II psychiatric residential treatment facility (Level II PRTF), or a new technological development shall be provided in the Certificate of Need Newsletter published on the third Thursday of the following months:

1. January;
2. April;
3. July; and
4. October.

(b) Public notice for an application for long-term care beds, intermediate care beds for individuals with an intellectual disability, a residential hospice facility, a hospice service, a private duty nursing service, or a home health agency shall be provided in the Certificate of Need Newsletter published on the third Thursday of the following months:

1. February;
2. May;
3. August; and
4. November.

(c) Public notice for an application for an acute care hospital including all other State Health Plan covered services to be provided within the proposed acute care hospital, acute care hospital beds, psychiatric hospital beds, special care neonatal beds, comprehensive physical rehabilitation beds, chemical dependency treatment beds, an ambulatory surgical center, or a

Class I, II, III, or IV ground ambulance service shall be provided in the Certificate of Need Newsletter published on the third Thursday of the following months:

1. March;
2. June;
3. September; and
4. December.

(d) A proposal not included in paragraphs (a) through (c) of this subsection shall be placed in the cycle that the cabinet determines to be most appropriate by placing it in the cycle with similar services.

(2) An application for formal review shall be filed with the cabinet at least fifty (50) calendar days, but not more than eighty (80) calendar days, prior to the date of the desired public notice. An initial application filed more than eighty (80) days prior to the desired public notice shall be returned to the applicant along with the fee submitted pursuant to 900 KAR 6:020.

Section 3. Timetable for Submission of an Application for Nonsubstantive Review. (1) The cabinet shall give public notice for an application deemed complete and granted nonsubstantive review status pursuant to KRS 216B.095(3)(a) through (f) in the Certificate of Need Newsletter published on the third Thursday of each month.

(2) An application for nonsubstantive review shall be filed with the cabinet at least fifty (50) calendar days prior to the date of the desired public notice. (36 Ky.R. 232; Am. 804; eff. 10-21-2009; 2258; 37 Ky.R. 380; eff. 8-18-2010; 37 Ky.R. 380; 1572; eff. 5-6-2011; 39 Ky.R. 327; 805; eff. 11-9-2012; TAm eff. 12-16-2013; 41 Ky.R. 631; 1379; eff. 2-5-2015; 43 Ky.R. 1304, 1566; eff. 3-31-2017; TAm eff. 3-17-2020; 47 Ky.R. 1685; eff. 6-16-2021.)